

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

EDDIE VANDERGRIFT,

Plaintiff,

v.

CAPTAIN JOHN HUTTON, et al.,

Defendants.

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Case No.: 7:17-cv-00235-RDP-JEO

MEMORANDUM OPINION


On October 17, 2017, the Magistrate Judge's Report and Recommendation was entered and the parties were allowed fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. No objections were filed.

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge.¹ The court further **ACCEPTS** the recommendations of the Magistrate Judge that all claims in this action, except the Eight Amendment claim against Captain John Hutton, be dismissed without prejudice for failing to state a claim upon which relief can be granted. Accordingly, Defendant Warden Willie Thomas is due to be dismissed without prejudice from this case. The remaining remaining claim against Defendant Captain John Hutton is referred to Magistrate Judge John Ott for further proceedings.

A separate order in accordance with the Memorandum Opinion will be entered.

¹ The court notes the scrivener's errors on page 12 of the Report and Recommendation (Doc. # 8) and replaces the name "Bolling" for "Thomas."

DONE and **ORDERED** this November 6, 2017.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE